

## Message Text

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ACTION DLOS-09

INFO OCT-01 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05  
CEA-01 CEQ-01 CG-00 CIAE-00 EPG-02 COME-00  
DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01  
TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03  
NSAE-00 NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-04  
PRS-01 SP-02 SS-15 USIA-06 AF-10 ARA-10 EA-07  
EUR-12 NEA-10 /162 W

-----172354Z 123285 /66

P 172135Z JUN 77

FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC PRIORITY 4091

C O N F I D E N T I A L SECTION 1 OF 2 USUN 1952

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS SIT REP JUNE 16

### 1. COMMITTEE I.

CHAIRMAN ENGO ANNOUNCED THAT HE WOULD CIRCULATE THE LONG AWAITED FINAL EVENSEN TEXT FRIDAY MORNING (JUNE 17). EVENSEN SUBMITTED THE TEXT CONFIDENTIALLY TO ENGO A WEEK AGO, AT THE END OF THREE WEEKS OF DISCUSSION ON THE KEY ELEMENTS IN THE SYSTEM OF EXPLOITATION. ENGO, PERHAPS WITH THE INTENTION OF MASSAGING EVENSEN'S WORK HIMSELF OR USING IT FOR PRIVATE BARGAINING WITH KEY DELEGATIONS, HAS WITHHELD THE TEXT FROM GENERAL CIRCULATION.

2. IN TWO SESSIONS JUNE 16, COMMITTEE I CONTINUED TO DISCUSS ARTICLES 25, 26 AND 27 (ASSEMBLY/COUNCIL). THE USSR ACCEPTED THE RSNT FORMULATION OF THE ASSEMBLY AS THE "SUPREME ORGAN OF THE AUTHORITY"  
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(ARTICLE 26) BUT SUGGESTED ADDING "AND REPESENTATIVE" AFTER SUPREME. TE UK (LOGAN) AND FRG (K NOKE) HAVE ALSO ACCEPTED THE "SUPREME ORGAN" TERM. THE US HAS NOT COMMENTED ON THIS POINT. THE SOVIET, UK AND FRG MOVES REPRESENT A COSMETIC, IF NOT SUBSTANTIVE, CONCESSION TO HE G-77. HERETOFORE, INDUSTRIAL COUNTRIES HAD UNIFORMLY INSISTED ON A PARALLEL RATHER THAN

HIERARCHICAL RELATIONSHIP BETWEEN THE ASSEMBLY AND COUNCIL. THE INDUSTRIAL COUNTRIES CONTINUE TO AGREE THAT, WHATEVER THE TERMINOLOGY USED TO DESCRIBE THE ASSEMBLY, ITS FUNCTIONS MUST BE NARROWLY PROSCRIBED SO THAT THE COUNCIL EMERGES AS THE PRINCIPAL EXECUTIVE ORGAN, SINCE ITS STRUCTURE AND VOTING PROCEDURES WILL PRESUMABLY REFLECT A BETTER BALANCE OF INTERESTS THAN THE ONE NATION/ONE VOTE ASSEMBLY.

3. THE SOVIET UNION ALSO SAID IT WAS READY TO SUBMIT ITS OWN PROPOSAL FOR A CHAMBERED COUNCIL, FOLLOWING ON THE HEELS OF COUNCIL SUGGESTIONS FROM THE US AND UK. THE USSR PROPOSAL, WHICH HAS BEEN DISCUSSED IN THE G-5 CALLS FOR SIX CHAMBERS -- INDUSTRIAL, CONSUMERS, LL/GDS, EQUITABLE GEOGRAPHIC DISTRIBUTION, PRODUCERS, LDCS. IN THE FIRST FOUR THE SOVIETS WOULD REQUIRE REPRESENTATION FROM EASTERN SOCIALIST COUNTRIES. DECISIONS ON IMPORTANT SUBSTANTIVE ISSUES WOULD NEED A MAJORITY IN THREE OR FOUR OF THE CHAMBERS.

4. IN THE FIRST REACTION TO THE US PROPOSAL ON ARTICLE 27 GHANA SAID THAT THE US DID "VIOLENCE" TO THE PRINCIPLE OF EQUITABLE GEOGRAPHIC DISTRIBUTION. GHANA ALSO REJECTED THE NOTION OF WEIGHTED VOTING.

5. COMMITTEE III.

MARINE SCIENTIFIC RESEARCH

DEBATE CONTINUED PRIMARILY ON THE REGIME FOR THE CONFIDENTIAL

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CONDUCT OF MARINE SCIENTIFIC RESEARCH (ART 60) WITH COMMENTS ON TACIT CONSENT ARTICLE (64), PUBLICATION OF RESULTS (61); AND DISPUTE SETTLEMENT (76). THE US RECEIVED GENERAL SUPPORT FOR THE NEED FOR IMPROVE THE RSNT FROM 8 STATES (AUSTRIA, UNITED KINGDOM, SINGAPORE, DENMARK, FRANCE, AUSTRALIA, ITALY) BUT WAS OPPOSED BY 17 STATES MOST OF WHOM SUPPORTED THE YANKOV TEST PROPOSAL. THE UNITED KINGDOM SUGGESTED THAT A SMALL GROUP OF INTERESTED DELEGATES TRY TO FIND A COMPROMISE. THIS PROPOSAL RECEIVED GENERAL SUPPORT WITH DEBATE CENTERING ON WHAT TEXT SHOULD SERVE AS THE BASIS FOR THE SMALL GROUP NEGOTIATION.

6. THE US AND ITS SUPPORTERS SAID ALL PROPOSALS SHOULD BE GIVEN EQUAL STATUS. OTHERS SAID THAT AT LEAST THE RSNT AND THE AUSTRALIAN PROPOSAL SHOULD BE INCLUDED. MOST STATES SUPPORTING A FULL CONSENT REGIME FAVORED THE YANKOV TEST PROPOSAL AS THE ONLY BASIS OF NEGOTIATION ALTHOUGH A FEW EXPRESSED

WILLINGNESS TO CONSIDER THE AUSTRALIAN FORMULA.  
AFTER RECEIVING A GENERAL MANDATE TO CONVENE THE SMALL  
NEGOTIATING GROUP, YANKOV STATED THAT HIS TEST PROPOS-  
AL WOULD BE THE "EASIEST" BASIS OF NEGOTIATION. HE  
SAID THIS SHOULD NOT PREJUDICE THE POSITION OF  
ANY COUNTRY BUT THE GROUP NEEDED TO NEGOTIATE ON THE  
BASIS OF ONLY ONE PROPOSAL.

7. PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT  
ON MARINE POLLUTION, DISCUSSION CONTINUED ON THE  
PROPOSED AMENDMENTS TO ART 30(2) AND ART 30(3) DEALING  
WITH COASTAL STATE ENFORCEMENT OF STANDARDS  
REGARDING VESSEL SOURCE POLLUTION IN THE TERRITORIAL  
SEA AND ECONOMIC ZONE. EFFORTS TO NARROW COASTAL  
STATE JURISDICTION IN THESE AREAS DREW SUPPORTERS  
AND OPPONENTS WITH GREECE, USSR, FEDERAL REPUBLIC  
OF GERMANY, UNITED KINGDOM AND CUBA SUPPORTING AND  
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CANADA, SPAIN NEW ZEALAND, INDIA AND THE US  
OPPOSING THEM. THE CHAIRMAN ASKED FOR AND RECEIVED  
AUTHORIZATION TO CANCEL THE INFORMAL PLENARY MEETING,  
SCHEDULED FOR TOMORROW (6/17/77) IN ORDER TO PERMIT  
HIM TO HOLD INFORMAL WORKING SESSIONS TO FASHION  
COMPROMISE AMENDMENTS TO PRESENT TO THE COMMITTEE ON MONDAY.

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P 172135Z JUN 77

FM USMISSION USUN NEW YORK  
TO SECSTATE WASHDC PRIORITY 4092

C O N F I D E N T I A L SECTION 2 OF 2 USUN 1952

FROM LOS DEL

8. COMMITTEE II

THE CONSULTATIVE GROUP ON THE LEGAL STATUS OF THE EEZ HELD ITS SECOND MEETING CHAIRMED BY VICE CHAIRMAN TURKMEN (TURKEY). FRIENDS OF THE HIGH SEAS STATUS DOMINATED THE SESSION (FRANCE, AUSTRALIA, USSR, AND SWEDEN), WITH A PARTICULARLY HELPFUL STATEMENT BY AUSTRALIA (KEITH BRENNAN). URUGUAY, PERU AND BRAZIL RESPONDED ALONG PREDICTABLE LINES.

9. AUSTRALIA MADE A RATHER LENGTHY BUT LOW-KEY AND ATTENTION-KEEPING ANALYSIS OF ARTICLES 44 AND 46, MAKING THE FOLLOWING PROPOSALS: ECONOMIC ZONE SHOULD RETAIN FUNDAMENTAL HIGH SEAS STATUS, EXCEPT AS TO THE MINIMAL MODIFICATION WHICH MUST BE MADE TO RECOGNIZE THE COASTAL STATE'S INTERESTS IN RESOURCES, AND QTE AS PROVIDED FOR IN THIS CONVENTION UNQTE SHOULD BE ADDED AT THE APPROPRIATE POINT IN ARTICLES 44-1(B), 44-1(C) (II) AND 44-1 (D). HE THEN NOTED WITH APPRECIATION THE UAE PROPOSAL FOR ARTICLE 46.  
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URUGUAY LED THE OTHER SIDE, TABLING HARD-LINE TERRITORIALIST REVISION OF ARTICLE 44 (ZONE OF NATIONAL JURISDICTION) (POUCHED TO DEPARTMENT). FRG PROPOSED AMENDING ARTICLE 75 BY DELETING QTE WITHOUT PREJUDICE TO THE RIGHTS OF THE COASTAL STATE PROVIDED IN CHAPTERS III AND IV OF THIS PART OF THE CONVENTION UNQTE.

10. CONSULTATIVE GROUP II - (DEFINITION OF THE CONTINENTAL SHELF AND REVENUE SHARING). FRANCE, PAKISTAN, INDIA, MEXICO, NIGERIA, AND INDONESIA DECLARED THEIR SUPPORT FOR THE IRISH FORMULA ON THE OUTER BOUNDARY; POLAND JOINED THE USSR AND COLOMBIA IN SUPPORT OF THE 500 METER DEPTH OR 200 MILE CRITERION; SWITZERLAND REASSERTED ITS ADHERENCE TO THE DISTANCE CRITERION (JOINING FORCES WITH AUSTRIA, SINGAPORE AND JAPAN). CANADA VERBALLY INTRODUCED A PROPOSAL WHICH WOULD EXEMPT FROM THE OBLIGATION OF REVENUE CONTRIBUTIONS THOSE DEVELOPING COUNTRIES WHO WOULD BE NET IMPORTERS OF RESOURCES PRODUCED ON THE CONTINENTAL MARGINS. UNDER THIS PROPOSAL, CANADA ALSO INDICATED ITS WILLINGNESS TO ACCEPT THAT REVENUE CONTRIBUTIONS BE MADE THROUGH THE INTERNATIONAL AUTHORITY. THE US INTERVENED TO STATE

ITS VIEWS ON THE PRINCIPLE OF DEFINITION (PREPARED  
TO ACCEPT THE IRISH FORMULA) AND NOTE ITS SUPPORT  
FOR AND RESERVATIONS TO VARIOUS ELEMENTS OF ARTICLE 70.  
NIGERIA, WHO INDICATED ITS OPPOSITION TO THE  
CANADIAN EXEMPTION, INTRODUCED THE IDEA OF A REVIEW  
MECHANISM FOR THE SYSTEM OF REVENUE SHARING WHICH  
COULD BE DESIGNED TO COINCIDE WITH THE PROPOSED REVIEW  
OF THE SYSTEM OF DEEP SEABED MINING (20 YEARS). THE  
MEETING ADJOURNED AFTER THE CHAIRMAN (NJENGA) APPOINT-  
ED A WORKING GROUP (AUSTRIA, INDIA, ARGENTINA)  
SINGAPORE, CANADA AND NIGERIA) TO SEEK A  
PRAGMATIC COMPROMISE AMONG THE DISPARATE VIEWS  
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OF OPPOSING DELEGATIONS ON THE RATE OF THE REVENUE  
SHARING OBLIGATION.  
MCHENRY

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## Message Attributes

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